

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 GAIL M. HEPPELL, State Bar No. 84134
Supervising Deputy Attorney General
3 1300 I Street, Suite 125
P.O. Box 944255
4 Sacramento, CA 94244-2550
Telephone: (916) 324-5336
5 Facsimile: (916) 327-2247

6 Attorneys for Complainant

7
8 **BEFORE THE**
PHYSICAL THERAPY BOARD
9 **STATE OF CALIFORNIA**
10

11 In the Matter of the Petition to Revoke Probation
12 Against:

13 BARBARA JOAN FINLEY, P.T.

14 3215 Kensington Drive
El Dorado Hills, CA 95762

15 Physical Therapist License No. PT 14964

16 Respondent
17

Case No. D1 2006 64566

OAH No. 2008040721

**STIPULATED SURRENDER
OF LICENSE AND ORDER**

18 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
19 proceeding that the following matters are true:

20 PARTIES

21 1. Steven K. Hartzell (Complainant) is the Executive Officer of the Physical
22 Therapy Board of California. He brought this action solely in his official capacity and is
23 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,
24 by Gail M. Heppell, Supervising Deputy Attorney General.

25 2. Barbara Joan Finley, P.T. (Respondent) is represented in this proceeding
26 by attorney Scott H. Finley, Esq., whose address is 3215 Kensington Drive, El Dorado Hills, CA
27 95762.

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1 3. On or about March 31, 1988, the Physical Therapy Board of California
2 issued Physical Therapist License No. PT 14964 to Barbara Joan Finley, P.T. (Respondent). The
3 license will expire on December 31, 2009 unless renewed.

4 **JURISDICTION**

5 4. Petition to Revoke Probation No. D1 2006 64566 was filed before the
6 Physical Therapy Board of California (Board), Department of Consumer Affairs, and is currently
7 pending against Respondent. The Petition to Revoke Probation and all other statutorily required
8 documents were properly served on Respondent on or about March 28, 2008. Respondent timely
9 filed her Notice of Defense contesting the Petition to Revoke Probation. A copy of Petition to
10 Revoke Probation No. D1 2006 64566 is attached as exhibit A and incorporated herein by
11 reference.

12 **ADVISEMENT AND WAIVERS**

13 5. Respondent has carefully read, fully discussed with counsel, and
14 understands the charges and allegations in Petition to Revoke Probation No. D1 2006 64566.
15 Respondent also has carefully read, fully discussed with counsel, and understands the effects of
16 this Stipulated Surrender of License and Order.

17 6. Respondent is fully aware of her legal rights in this matter, including the
18 right to a hearing on the charges and allegations in the Petition to Revoke Probation; the right to
19 be represented by counsel, at her own expense; the right to confront and cross-examine the
20 witnesses against her; the right to present evidence and to testify on her own behalf; the right to
21 the issuance of subpoenas to compel the attendance of witnesses and the production of
22 documents; the right to reconsideration and court review of an adverse decision; and all other
23 rights accorded by the California Administrative Procedure Act and other applicable laws.

24 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
25 each and every right set forth above.

26 **CULPABILITY**

27 8. Respondent admits the truth of each and every charge and allegation in
28 Petition to Revoke Probation No. D1 2006 64566, agrees that cause exists for discipline, and

1 hereby surrenders her Physical Therapist License No. PT 14964 for the Board's formal
2 acceptance.

3 9. Respondent understands that by signing this stipulation she enables the
4 Board to issue an order accepting the surrender of her Physical Therapist License without further
5 process.

6 **MITIGATION**

7 10. Respondent has health conditions which precluded her from complying
8 with the terms of conditions of probation and limit her present ability to work as a physical
9 therapy. There are no allegations involving patient treatment and care.

10 **CONTINGENCY**

11 11. This stipulation shall be subject to approval by the Physical Therapy
12 Board of California. Respondent understands and agrees that counsel for Complainant and the
13 staff of the Physical Therapy Board of California may communicate directly with the Board
14 regarding this stipulation and surrender, without notice to or participation by Respondent or her
15 counsel. By signing the stipulation, Respondent understands and agrees that she may not
16 withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers
17 and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the
18 Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this
19 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall
20 not be disqualified from further action by having considered this matter.

21 12. The parties understand and agree that facsimile copies of this Stipulated
22 Surrender of License and Order, including facsimile signatures thereto, shall have the same force
23 and effect as the originals.

24 13. In consideration of the foregoing admissions and stipulations, the parties
25 agree that the (Board) may, without further notice or formal proceeding, issue and enter the
26 following Order:

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ORDER

IT IS HEREBY ORDERED that Physical Therapist License No. PT 14964, issued to Respondent Barbara Joan Finley, P.T. is surrendered and accepted by the Physical Therapy Board of California.

1. The surrender of Respondent's Physical Therapist License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

2. Respondent shall lose all rights and privileges as a physical therapist in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board both her wall and pocket license certificate on or before the effective date of the Decision and Order.

4. Respondent fully understands and agrees that if she ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in Petition to Revoke Probation No. D1 2006 64566 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

5. Should Respondent ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Petition to Revoke Probation, No. D1 2006 64566 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

6. Respondent shall reimburse the Board the actual and reasonable investigative and prosecutorial costs incurred by the Board in the amount of \$632. Said costs shall be paid within thirty (30) days of the effective date of the Decision. Failure to pay the

1 ordered reimbursement constitutes a violation of the Order. The filing of the bankruptcy by
2 Respondent shall not relieve Respondent of her responsibility to reimburse the Board. If
3 Respondent is in default of his responsibility to reimburse the Board, the Board will collect cost
4 recovery from the Franchise Tax Board, the Internal Revenue Service or by any other means of
5 attachment of earned wages legally available to the Board. Failure to fulfill the obligation could
6 also result in attachment to Department of Motor Vehicle registrations, license renewals or both.

7 ACCEPTANCE

8 I have carefully read the above Stipulated Surrender of License and Order and
9 have fully discussed it with my attorney, Scott H. Finley, Esq. I understand the stipulation and
10 the effect it will have on my Physical Therapist License. I enter into this Stipulated Surrender of
11 License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the
12 Decision and Order of the Physical Therapy Board of California.

13 DATED: August 8, 2008.

14 Barbara Joan Finley, RPT
15 Barbara Joan Finley, P.T. (Respondent)
16 Respondent

17 I concur with this stipulated surrender.

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19 DATED: AUG 8, 2008.

20 Scott H. Finley
21 SCOTT H. FINLEY, ESQ.
22 Attorney for Respondent

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ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Physical Therapy Board of California of the Department of Consumer Affairs.

DATED: August 8, 2008

EDMUND G. BROWN JR.
Attorney General of the State of California

Gail M. Heppell
GAIL M. HEPPELL
Supervising Deputy Attorney General

Attorneys for Complainant